

REMARKS

Reconsideration of the application is requested.

Claims 12-28 and 30 remain in the application. Claims 12-28 and 30 are subject to examination.

Under the heading "Claim Rejections – 35 USC § 102" on page 3 of the Office Action, claims 12-22, 25-28 and 30 have been rejected as being obvious over U.S. Patent No. 6,034,995 to Eisele et al. in view of U.S. Patent No. 5,124,990 to Williamson under 35 U.S.C. § 103. Applicant respectfully traverses.

The Examiner has alleged that the motivation to have somehow incorporated the teaching of Williamson into that of Eisele et al. would have been "to provide fault tolerant serial communications in a network". Applicant respectfully believes that the Examiner has not put forth a valid reason for such a combination; nor has the Examiner offered any guidance as to how such a modification would have been performed.

As the Examiner has recognized in the asserted motivation, Williamson teaches a ring in which the subscribers 508A, 508B, and 508C are connected in series in the ring (See Fig. 5). The teaching of Eisele et al. does not relate to such a configuration. Eisele et al. teach subscribers 1, 2, and 3 that are each connected in parallel to the same lines 11, 12, and 13 (See Fig. 1 and column 5, lines 58-64). Eisele et al. are not concerned with providing fault tolerant

serial communications in a network. Therefore, it should be clear that the motivation, which has been put forth by the Examiner, to somehow incorporate the teaching of Williamson into that of Eisele et al. is simply not valid. Providing fault tolerant serial communications in a network would not have prompted a modification to a teaching that is not related to serial communications. The claimed invention would not have been suggested. Applicant requests withdrawal of the rejection for the reason given above.

Applicant additionally points out that Eisele et al. already teach fault detection circuits 26 and 27. There is nothing in the teaching of Williamson that would have motivated one of ordinary skill in the art to somehow replace the fault detection circuits 26 and 27.

Furthermore, applicant points out that because of the different topologies of the networks, i.e. serial verses parallel, it would not have been obvious, if even possible for one of ordinary skill in the art to somehow modify the teaching of Eisele et al. based on the teaching of Williamson.

The invention as defined by claims 12, 18, and 30 could not have been suggested by the teachings in Eisele et al. and Williamson.

Under the heading "Claim Rejections – 35 USC § 103" on page 15 of the Office Action, claim 23 has been rejected as being obvious over U.S. Patent No. 6,034,995 to Eisele et al. in view of U.S. Patent No. 5,124,990 to Williamson

and further in view of U.S. Patent No. 4,516,248 to Barclay et al. under 35 U.S.C. § 103. Applicant respectfully traverses.

Even if there were a suggestion to combine the teachings in Eisele et al. and Barclay et al., the invention as defined by claim 23 could not have been suggested for the reasons given above with regard to claim 18 and the teachings in Eisele et al. and Williamson.

Under the heading "Claim Rejections – 35 USC § 103" on page 16 of the Office Action, claim 24 has been rejected as being obvious over U.S. Patent No. 6,034,995 to Eisele et al. in view of U.S. Patent No. 5,124,990 to Williamson and further in view of U.S. Patent No. 6,535,028 to Baker under 35 U.S.C. § 103. Applicant respectfully traverses.

Even if there were a suggestion to combine the teachings in Eisele et al. and Baker, the invention as defined by claim 24 could not have been suggested for the reasons given above with regard to claim 18 and the teachings in Eisele et al. and Williamson.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claims 12, 18, or 30. Claims 12, 18, and 30 are, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on claim 12 or claim 18.

In view of the foregoing, reconsideration and allowance of claims 12-28 and 30 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

Petition for extension is herewith made. The extension fee for response within a period of two months pursuant to Section 1.136(a) in the amount of \$490.00 in accordance with Section 1.17 is enclosed herewith.

Please charge any other fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner Greenberg Sterner LLP, No. 12-1099.

Respectfully submitted,

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MPW:cgm

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